

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 IRFAN MIRZA, M.D.

4 Holder of License No. 28306  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

Case No. MD-14-1195A

**ORDER FOR LETTER OF  
REPRIMAND AND PROBATION;  
AND CONSENT TO THE SAME**

7 Ifran Mirza, M.D. ("Respondent") elects to permanently waive any right to a hearing  
8 and appeal with respect to this Order for a Letter of Reprimand and Probation; admits the  
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order  
10 by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of  
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 28306 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-14-1195A after receiving a complaint  
17 regarding Respondent's care and treatment of five patients ("B.G.", "L.C.", "J.B.", "A.M.",  
18 and "M.B.") alleging inappropriate indications for pacemaker implantation, inappropriate  
19 indication for a cardiac catheterization, and inappropriate ordering of a stress test.

20 4. In October of 2012, J.B., a 48 year-old obese male with resolved  
21 cardiomyopathy, presented to another provider with dizziness. Cardiac evaluation with  
22 EKG showed a normal LV function and no significant valvular disease, and a nuclear scan  
23 showed normal LV function with an apical perfusion defect. On an exercise stress test,  
24 J.B. achieved 12 Mets, and reached a peak heart rate of 164 beats per minute. A  
25 subsequent EKG showed a sinus rhythm rate at 60 beats per minute. A Holter monitor was

1 also utilized showing nighttime bradycardia, and J.B.'s treating physician noted that J.B.  
2 would need a pacemaker. Respondent acted as the implanting physician.

3 5. In July of 2012, M.B., an 83 year-old male with hypertension and COPD,  
4 presented to another provider with dizziness and a fall of unknown etiology. In 2008, M.B.  
5 had a normal EKG, and in 2009, a normal nuclear perfusion scan. Cardiac evaluation via  
6 Holter monitor was performed in May of 2012 by M.B.'s primary care physician and  
7 revealed a sinus rhythm of 60 to 70 beats per minute in the daytime, and 50 minutes  
8 during the nighttime. No critical bradycardia was noted. An episode of SVT at a rate of 130  
9 beats per minute was noted on a follow-up EKG in August of 2012. M.B.'s treating  
10 physician recommended a pacemaker. Respondent acted as the implanting physician.

11 6. The standard of care requires a physician to critically review all diagnostic  
12 information and to perform a thorough evaluation before proceeding with pacemaker  
13 implantation. Respondent deviated from the standard of care by failing to critically review  
14 all diagnostic information and by failing to perform a thorough evaluation before  
15 proceeding with pacemaker implantations in J.B. and M.B.

16 7. Actual harm occurred in that J.B. and M.B. both underwent an unnecessary  
17 pacemaker implantation.

18 8. No deviations from the standard of care were found in Respondent's  
19 treatment of B.G., L.C., and A.M. The Board's medical consultant who reviewed  
20 Respondent's treatment of B.G. noted a lack of fundamental EKG reading skills.

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1 **CONCLUSIONS OF LAW**

2 a. The Board possesses jurisdiction over the subject matter hereof and over  
3 Respondent.

4 b. The conduct and circumstances described above constitute unprofessional  
5 conduct pursuant to A.R.S. § 32-1401(27)(q) ("Any conduct or practice that is or might be  
6 harmful or dangerous to the health of the patient or the public.").

7  
8 **ORDER**

9 IT IS HEREBY ORDERED THAT:

10 1. Respondent is issued a Letter of Reprimand.

11 2. Respondent is placed on Probation for a period of 6 months with the  
12 following terms and conditions:

13 a. **Continuing Medical Education**

14 Respondent shall within six (6) months of the effective date of this Order  
15 obtain no less than six (6) hours of Board staff pre-approved Category I Continuing  
16 Medical Education ("CME") regarding EKG interpretation. Respondent shall within thirty  
17 days of the effective date of this Order submit his request for CME to the Board for pre-  
18 approval. Upon completion of the CME, Respondent shall provide Board staff with  
19 satisfactory proof of attendance. The CME hours shall be in addition to the hours required  
20 for the biennial renewal of medical licensure. The Probation shall terminate upon  
21 Respondent's proof of successful completion of the CME.

22 b. **Obey All Laws**

23 Respondent shall obey all state, federal and local laws, all rules governing  
24 the practice of medicine in Arizona, and remain in full compliance with any court ordered  
25 criminal probation, payments and other orders.

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2                   In the event Respondent should leave Arizona to reside or practice outside  
3 the State or for any reason should Respondent stop practicing medicine in Arizona,  
4 Respondent shall notify the Executive Director in writing within ten days of departure and  
5 return or the dates of non-practice within Arizona. Non-practice is defined as any period of  
6 time exceeding thirty days during which Respondent is not engaging in the practice of  
7 medicine. Periods of temporary or permanent residence or practice outside Arizona or of  
8 non-practice within Arizona, will not apply to the reduction of the probationary period.

9                   3. The Board retains jurisdiction and may initiate new action against  
10 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(r).

11  
12                   DATED AND EFFECTIVE this 16<sup>th</sup> day of September, 2016.

13  
14                   ARIZONA MEDICAL BOARD

15                   By Patricia E. McSorley  
16 Patricia E. McSorley  
17 Executive Director

18  
19                   CONSENT TO ENTRY OF ORDER

20                   1. Respondent has read and understands this Consent Agreement and the  
21 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent  
22 acknowledges he has the right to consult with legal counsel regarding this matter.

23                   2. Respondent acknowledges and agrees that this Order is entered into freely  
24 and voluntarily and that no promise was made or coercion used to induce such entry.  
25

1           3.     By consenting to this Order, Respondent voluntarily relinquishes any rights to  
2 a hearing or judicial review in state or federal court on the matters alleged, or to challenge  
3 this Order in its entirety as issued by the Board, and waives any other cause of action  
4 related thereto or arising from said Order.

5           4.     The Order is not effective until approved by the Board and signed by its  
6 Executive Director.

7           5.     All admissions made by Respondent are solely for final disposition of this  
8 matter and any subsequent related administrative proceedings or civil litigation involving  
9 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
10 or made for any other use, such as in the context of another state or federal government  
11 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
12 any other state or federal court.

13          6.     Upon signing this agreement, and returning this document (or a copy thereof)  
14 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
15 the Order. Respondent may not make any modifications to the document. Any  
16 modifications to this original document are ineffective and void unless mutually approved  
17 by the parties.

18          7.     This Order is a public record that will be publicly disseminated as a formal  
19 disciplinary action of the Board and will be reported to the National Practitioner's Data  
20 Bank and on the Board's web site as a disciplinary action.

21          8.     If any part of the Order is later declared void or otherwise unenforceable, the  
22 remainder of the Order in its entirety shall remain in force and effect.

23          9.     If the Board does not adopt this Order, Respondent will not assert as a  
24 defense that the Board's consideration of the Order constitutes bias, prejudice,  
25 prejudgment or other similar defense.

1 10. Any violation of this Order constitutes unprofessional conduct and may result  
2 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,  
3 consent agreement or stipulation issued or entered into by the board or its executive  
4 director under this chapter.") and 32-1451.

5 11. *Respondent has read and understands the conditions of probation.*

6  
7 Mys. Mirza  
8 IRFAN MIRZA, M.D.

DATED: August 16<sup>th</sup> 2016

9  
10 EXECUTED COPY of the foregoing mailed  
11 this 16<sup>th</sup> day of September, 2016 to:

12 Maria Nutile  
13 Nutile, Pitz & Associates  
14 1070 W. Horizon Ridge, Suite 210  
Henderson, NV 89012  
Attorney for Respondent

15 ORIGINAL of the foregoing filed  
16 this 16<sup>th</sup> day of September, 2016 with:

17 Arizona Medical Board  
18 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

19 Mary Goley  
20 Board staff